

Decision No. 32219

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of HUMBOLDT MOTOR STAGES, INC., a  
corporation, for an in lieu cer-  
tificate to consolidate and unify  
various rights granted by separate  
decisions.

**ORIGINAL**

Application No. 22805

BY THE COMMISSION:

O P I N I O N

In this application Humboldt Motor Stages, Inc., a corporation, requests a certificate de novo in lieu of all of its operative rights as a passenger stage corporation and a highway common carrier, excepting its presently held sight-seeing operative rights as a passenger stage corporation over four routes, each of which has a single terminus at Eureka. <sup>(1)</sup>

The operative rights involved herein were created in applicant by the following decisions:

<u>Decision Number</u>	<u>Date</u>	<u>Application Number</u>
26338	September 18, 1933	19036
26946	April 16, 1934	19389
27228	July 17, 1934	19510
27257	August 6, 1934	19557
27334	September 4, 1934	Sup. 19510
27976	May 22, 1935	19895
31803	March 6, 1939	22052

(1) The certificate for the sight-seeing service was granted by Decision No. 31835, dated March 20, 1939, on Application No. 22512. Such certificate is not involved in this application, it being applicant's proposal to retain such right and to continue operations thereunder.

These rights contemplate a passenger stage and highway common carrier service in general between Eureka, Arcata, Trinidad, Scotia, Ruth, Peanut, Weaverville, Burnt Ranch, Willow Creek, Weitchpec, Happy Camp, Forks of Salmon and numerous intermediate points. Passengers may be carried between all of such points. Between some of the points the right to transport property is restricted to express on passenger stages with weight limitations; between others for the transportation of express without restriction as to vehicles or weight, while between others it is an unrestricted right for the transportation of property.

Applicant alleges that the following circumstances and conditions exist upon which it relies as justification for the granting of the certificate de novo sought:

Applicant's operations at present are conducted under numerous separately acquired rights which have now been consolidated and joined so as to permit of through service. However, as some of the original rights cover the transportation of so-called express, unlimited; others the transportation of freight, or a combination of both, it is found necessary to seek an in lieu certificate as herein applied for to permit the establishment of a reasonable and consistent basis of rates between all points now authorized to be served. Further, a simplification of the operative rights is necessary to permit applicant to file a tariff of its rates in a form that will comply with the Commission's rules and regulations governing the construction and filing of tariffs. This will also be beneficial to the shipping public.

Applicant further alleges that no competing carriers will be affected by the granting of the certificate herein sought; and that with the exception of the route along U. S. Highway No. 101, all of its routes of operation are located in a sparsely settled mountainous territory served by no other common carriers.

Applicant does not propose to make any changes in the service now given which is set forth in time schedules now on file with the Commission. Likewise, the fares, rules and regulations governing the transportation of passengers will be the same as those now set forth in the tariffs of applicant which are now on file with the Commission and in effect. The rates, rules and regulations governing the transportation of property will likewise in general be the same as those now on file with the Commission and in effect, excepting that applicant proposes to refile such tariff of rates to bring them in line with the Commission's minimum rate orders.

This does not appear to be a matter requiring a public hearing and we are of the opinion that the authority sought is in the public interest and the certificate de novo in lieu of applicant's present operative rights will be granted.

#### O R D E R

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the establishment and operation by Humboldt Motor Stages, Inc., a corporation, of an automotive service as a passenger stage corporation and a

highway common carrier as those terms are defined by sections 2 $\frac{1}{2}$  and 2-3/4, respectively, of the Public Utilities Act, between points and over and along routes as follows:

(a) For the transportation of passengers, baggage and express between Scotia and Trinidad and all intermediate points on U.S. Highway No. 101 via Alton, Fortuna, Fernbridge, Eureka, Arcata, and Little River; serving Crannell by diversion from Crannell Junction; and Redwood Acres Fair Ground by diversion from Eureka upon demand of 6 or more passengers. All express shall be transported on passenger vehicles only, and no single package of express shall exceed 100 lbs. in weight except that the limitation as to package weight and vehicle of transportation shall not apply to shipments transported for or through the agency of Railway Express Agency, Incorporated, and milk and cream and empty containers therefor when being transported to or from a rail junction point in connection with rail transportation thereof.

(b) For the transportation of passengers, baggage and property from, to and between all points located on the following routes: (1) From the junction point of U. S. Highway No. 101 with U. S. Highway No. 299, thence over U. S. Highway No. 299 via Blue Lake, Korbek, Willow Creek, Salyer, Pony Bar (Hawkins Bar), Burnt Ranch, Big Bar, Junction City, Weaverville to and including Douglas City; (2) From junction of U. S. Highway No. 299 with State Highway No. 96, thence over State Highway No. 96 via Willow Creek, Hoopa, Weitchpec, Bluff Creek, Orleans, Somes Bar to and including Happy Camp; (3) From Somes Bar to and

including Forks of Salmon; (4) From Fortuna over State Highway No. 36 via Rohnerville, Hydesville, Carlotta, Bridgeville, Dinsmore, Forest Glen to junction with Peanut-Hayfork road, with diversion at Mad River to and including Ruth; (5) From junction with State Highway No. 36 and the Peanut-Hayfork road, thence over such road via Peanut and Hayfork to and including Douglas City.

(c) For the transportation of passengers, baggage and property between points as described in paragraph (a) of the foregoing, on the one hand, and points as described in paragraph (b) of the foregoing, on the other hand.

IT IS ORDERED that a certificate de novo therefor is hereby granted to Humboldt Motor Stages, Inc., a corporation, not as a separate operative right, but in lieu of all rights heretofore created by the following decisions to-wit:

<u>Decision Number</u>	<u>Date</u>	<u>Application Number</u>
26338	September 18, 1933	19036
26946	April 16, 1934	19389
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which decisions are hereby revoked and annulled.

The certificate herein granted is subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall not have complied with all of the conditions within the periods of time fixed herein, unless, for good cause shown, the time shall be extended by further order of the Commission.

2. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed twenty (20) days from date hereof.
3. Applicant shall publish, file and make effective on or before August 7, 1939 on not less than fifteen (15) days' notice to the Commission and to the public a tariff or tariffs of rates, rules and regulations which shall establish rates, rules and regulations consistent with the reasonable and sufficient rates prescribed for common carriers by outstanding orders of the Commission.
4. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been obtained.
5. No vehicle may be operated by applicant herein unless such vehicle is owned by said applicant or is leased by applicant under a contract or agreement on a basis satisfactory to the Railroad Commission.
6. Applicant shall, prior to the commencement of service authorized herein and continuously thereafter, comply with all of the provisions of this Commission's General Order No. 91.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 27<sup>th</sup> day of June, 1939.

Robert A. Quinn  
Frank C. Miller  
Arthur Riley  
H. B. Hall  
Justus J. Coe  
COMMISSIONERS